

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL JAMES SUTTLES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10cv1931 TCM
)	
FRDC PRISON,)	
)	
Defendant.)	

ORDER

This matter is before the Court upon review of the case file. Although Plaintiff has filed a myriad of documents in this case, he has not filed a complaint; thus, his case has not yet been commenced. See Fed.R.Civ.P. 3. The Court will allow Plaintiff thirty (30) days to file a complaint in this action and provide him with a form complaint in order to do so. Plaintiff's failure to file a complaint will result in a dismissal of this action without prejudice.

Additionally, should Plaintiff wish to pursue this case, he must file a form "Motion to Proceed In Forma Pauperis and Affidavit in Support – Prisoner Cases" as required by 28 U.S.C. § 1915(a)(1) and this Court's Local Rule 2.05(A), as well as a certified copy of his prisoner account statement for the six-month period immediately preceding the submission of his complaint as required by 28 U.S.C. § 1915(a)(2). As an alternative to these filings, Plaintiff may pay the entire \$350 filing fee in full. Again, Plaintiff will be allowed thirty (30) days to remedy these failures.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall provide Plaintiff a blank civil complaint form.

IT IS FURTHER ORDERED that within thirty (30) days of the date of this Order, Plaintiff shall submit a complaint in this action. Plaintiff's failure to do so will result in a dismissal of this action without prejudice.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, Plaintiff shall either pay the \$350 filing fee or file a certified copy of his prison account statement for **the six month period immediately preceding the filing of his complaint on October 13, 2010**, and a "Motion to Proceed in Forma Pauperis and Affidavit in Support – Prisoner Cases."¹

IT IS FURTHER ORDERED that the Clerk shall forward, together with a copy of this order and the civil complaint form, a form "Motion to Proceed in Forma Pauperis and Affidavit in Support – Prisoner Cases" to Plaintiff to complete and return with a certified copy of his prison account statement if he wishes to move for pauper status.

IT IS FINALLY ORDERED that if Plaintiff fails to comply with this order, the court shall effectuate dismissal of this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

Dated this 25th day of October, 2010.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT
UNITED STATES MAGISTRATE JUDGE

¹When requesting a certified copy of his prison account statement, Plaintiff is instructed to inform his correctional facility that the account statement must include all activity on his account during the six-month period preceding the filing of his complaint on October 13, 2010.